

AO 91 (Rev. 11/11) Criminal Complaint

AUSA Kelly Greening (312) 352-4095

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

FEB 22 2018

UNITED STATES OF AMERICA

v.

SEAN MCCARTHY

CASE NUMBER:

MAGISTRATE JUDGE
SHEILA M. FINNEGAN

18CR 119

CRIMINAL COMPLAINT

MAGISTRATE JUDGE FINNEGAN

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between in or around August 2016 and March 29, 2017, at Orland Hills, in the Northern District of Illinois, Eastern Division, and elsewhere, the defendant violated:

Code Section

Title 18, United States Code, Section
2252A(a)(1)

Offense Description

knowingly transported child pornography using a means and facility of interstate and foreign commercial and in and affecting interstate and foreign commerce by any means, including by computer

This criminal complaint is based upon these facts:

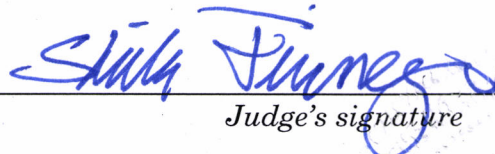
X Continued on the attached sheet.



ANNA HOCHBAUM
Task Force Officer, Federal Bureau of
Investigation (FBI)

Sworn to before me and signed in my presence.

Date: February 22, 2018



Judge's signature

City and state: Chicago, Illinois

SHEILA FINNEGAN, U.S. Magistrate Judge
Printed name and Title

FILED

FEB 22 2018

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SS

AFFIDAVIT

I, ANNA HOCHBAUM, being duly sworn, state as follows:

1. I am an Investigator with the Investigations Bureau of the Cook County State's Attorney's Office. I have been so employed since approximately July 2014. Since July 2016, I have been a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI).

2. As part of my duties as an FBI TFO, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal distribution, receipt, and possession of child pornography, in violation of Title 18, United States Code, Sections 2252 and 2252A. I have received training in the area of child pornography and child exploitation and have observed and reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in multiple forms of media, including computer media.

3. This affidavit is submitted in support of a criminal complaint alleging that SEAN MCCARTHY has violated Title 18, United States Code, Section 2252A(a)(1). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging MCCARTHY with transportation of child pornography, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I

believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

4. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents who have knowledge of the events and circumstances described herein, interviews of witnesses and other individuals, and law enforcement records databases.

I. FACTS SUPPORTING PROBABLE CAUSE

A. Background Investigation

5. Since approximately June 2016, law enforcement in this investigation has been investigating individuals posting images and videos that depict the sexual exploitation of children on websites and applications, including Chatstep and Kik Messenger ("Kik").

6. Based on my training and experience, I know that Chatstep is a website that allows users to create, or enter, an online chatroom. Users can chat using a nickname or anonymously. There is no account required to use Chatstep, but users can create accounts for photo sharing features and private messenger.

7. Based upon my training and experience, I know that Kik is a web-based application that allows users to choose user names and communicate with other users over the internet. Kik allows users to send and receive messages and images, to and from individuals or groups of individuals. Kik users can communicate in chat groups. A chat group is a forum where multiple users can communicate with each other simultaneously. In a chat group, users' communications can be viewed by all the other

members participating in that group. A Kik chat group has multiple identifiers, including a group name and a “hashtag.”

1. Identification of Adam Sprenger

8. On or about November 7, 2017, January 19, 2018, and February 1, 2018, law enforcement agents interviewed Individual A, who agreed to speak with agents voluntarily.¹ During the course of the initial interview, Individual A admitted to viewing child pornography within various applications and websites, such as Kik and Chatstep.

9. According to Individual A, he does not personally share child pornography or download it to his devices. However, Individual A stated one of the ways he helps with his urges is to chat with and meet up with other adult men who share an interest in children. When they meet, the men engage in fantasy talk and “get each other off.”

10. Individual A shared information regarding two subjects. Individual A met the first subject, “Adam,” on Kik in 2015. Law enforcement identified “Adam” as Adam Sprenger, and Individual A identified a photograph of Sprenger as the person he knows as “Adam.”² Individual A stated that Adam’s Kik display name was “alwaysunderneath,” and Individual A referred to Adam as “always.”

¹ A check of law enforcement databases showed that Individual A is a registered sex offender, who was convicted in 2009 of Indecent Solicitation of a Child and Aggravated Criminal Sexual Abuse/Victim 13-16. At the time of FBI’s interviews of Individual A, FBI was investigating Individual A for sharing child erotica on the Internet.

² On February 14, 2018, Adam Sprenger was charged in the United States District Court for the Northern District of Illinois with possession of child pornography, in violation of Title 18, United States Code, Section 2252A(a)(5)(B). *See* 18 CR 105.

11. According to Individual A, Sprenger never told Individual A his name, but Individual A overheard it. In law enforcement's initial interview with Individual A, he stated that he had overheard someone call Sprenger's first name while at his home. Individual A later stated that while at Sprenger's home, Sprenger received a phone call, and the person on the phone called him "Adam."

12. Individual A informed law enforcement that he met Sprenger at Sprenger's residence on two occasions, in or around the winter of 2015-2016, during which they masturbated together. According to Individual A, on both occasions while they masturbated, Sprenger pulled out his phone and began playing videos depicting child pornography. Sprenger held the phone in such a way that they could both view the screen.

13. Individual A agreed to look on Google Maps to locate Sprenger's house. Based on this and other information, law enforcement determined the location to be the residence of Adam Sprenger. FBI TFO Anthony Stack then searched Facebook for "Adam Sprenger" in Arlington Heights, and found a public post from 2011 by Facebook user "Adam Sprenger." TFO Stack accessed the profile, and found a picture of two male subjects under the photos section. TFO Stack opened this photo and showed it to Individual A, who immediately identified the subject on the right, wearing the plaid shirt, as "Adam."

2. Identification of MCCARTHY

14. Individual A was introduced to the second subject by Adam Sprenger, using Kik. Individual A never learned this subject's name but recalled that the second

subject, who law enforcement has since identified as SEAN MCCARTHY, used the Kik display name “smieleyface.” Sprenger had provided Individual A with the Kik display name and advised him to contact “smieleyface.” Individual A would refer to MCCARTHY as “smiley.”³

15. According to Individual A, in or around 2015 and 2016, Individual A, Sprenger, and MCCARTHY would chat together and separately via Kik. Individual A stated that MCCARTHY had told him about two minor girls, Minor A and Minor B. Individual A stated that MCCARTHY sent non-child pornography pictures to Individual A and Sprenger of both Minor A and Minor B, including pictures of them in their bikinis and pictures focused on their clothed buttocks.

16. On one private Kik chat between the three of them, soon after Sprenger introduced Individual A to MCCARTHY, Sprenger stated, in summary, that he and MCCARTHY had fun the other morning and asked MCCARTHY if Sprenger could show Individual A. After getting MCCARTHY's approval, Sprenger posted a video in the private Kik chat. The video was approximately one minute long. According to Individual A, the video began with two males standing in a hallway masturbating. Individual A stated the video was dark but believed the flooring of the hallway was possibly hardwood. Individual A stated the males' faces were not shown in the video; only their penises were visible. The camera was then pointed into a dimly lit room, where a girl laid on a bed. The girl was laying on her side, facing away from the camera. The girl was wearing blue shorts with a white stripe. Individual A described

³ Individual A provided an incorrect spelling of the name “smileyface.”

the shorts as soft material, possibly terrycloth. The girl was wearing a matching top that had a hood. The girl's body characteristics resembled photos that Individual A had seen of Minor B. The men entered the bedroom, walked over to the girl, and ejaculated on her blue shorts.

17. Individual A recalled that MCCARTHY created several Kik groups. Individual A could not recall the specific names of the Kik groups. In the groups, MCCARTHY shared multiple non-child pornography images of Minor A. Individual A described MCCARTHY as being competitive within the group, and would try to post additional or new photos of Minor A if another user posted photos of a different girl in the group. According to Individual A, MCCARTHY also shared multiple images and videos of himself masturbating in what appeared to be Minor A's and Minor B's bedrooms.

18. Individual A stated he met MCCARTHY in person, on one occasion. Individual A and MCCARTHY met in a parking lot somewhere in the Tinley Park area in the spring or summer of 2016. Individual A described MCCARTHY as a white male, approximately in his early thirties, bald, short and stocky build, with a beard. MCCARTHY was in a work truck and wearing a work shirt, both of which bore the name of Company A. There were two seats in the front. Between the seats was an open doorway to the back of the truck, which contained a desk and computer. Individual A and MCCARTHY masturbated together in the back of the truck while MCCARTHY brought up photos of Minor A and Minor B on his phone. A majority of the photos depicted Minor A and Minor B in their bikinis.

19. MCCARTHY told Individual A he liked to Facetime with Minor A and Minor B while he was masturbating, and that he would like to do so with Individual A, but the girls were at school during that time.

20. Individual A stated that he believed MCCARTHY told him that he lived in Tinley Park, but also recalled a conversation with MCCARTHY in which they discussed meeting again at an intersection in Orland Hills.

21. On January 26, 2018, FBI Task Force Officers Anthony Stack and Jacqueline Lazzara interviewed the president of Company A. Law enforcement was able to identify MCCARTHY based on information provided by the president of Company A and Individual A.

22. On February 1, 2018, TFO Hochbaum and TFO Stack met with Individual A. TFO Stack had prepared a printed image of MCCARTHY from the Facebook profile of "Sean McCarthy," which had been posted in approximately spring or summer of 2016. When shown the image, Individual A stated he was ninety percent positive it was "smileyface." Through the investigation via Facebook, law enforcement identified a photograph of MCCARTHY with a visible leg tattoo.

C. Search of Sprenger's Residence and Recovery of Micro SD Card

23. On or about February 14, 2018, pursuant to a federal search warrant, law enforcement agents searched Adam Sprenger's residence in Arlington Heights. Law enforcement seized, among other items, a Verizon Samsung Galaxy S7. A micro SD card was found inside the Samsung Galaxy S7.

24. A review of the micro SD card revealed several images and videos depicting Minor A and B that, based on the training and experience of law enforcement agents, constitute child pornography. Several of the videos appear to have been taken at MCCARTHY's residence, and at least one appears to feature MCCARTHY. Two of those videos are described below.

25. Video C, titled "20170106_072256," was stored to the micro SD card on or about January 22, 2017, under a folder titled with Minor A's first name. The video is thirty seconds in length. It begins pointed at a downward angle, showing a man wearing dark jeans, a dark green colored long-sleeved shirt, and white socks. The man's penis is exposed and he is masturbating. The man walks from the kitchen into a bedroom. As he walks, another man is shown from the waist down. The second man — identified as MCCARTHY — is wearing light blue shorts, with green golf patterns and white socks with three black markings on the instep. The upper portion of a tattoo can be seen on the second man's right leg. The tattoo shown on the second man's right leg in Video C is consistent with a Facebook photo posted to MCCARTHY's Facebook profile on or about October 2, 2015. The first man moves to stand next to the second man, who is holding a dark blue blanket. The two men stand next to a bed and small brown nightstand. The video pans upward to show a young girl, believed to be Minor A, sleeping on the bed. The first male begins to ejaculate, while standing near the bed. The second man's hand comes into the frame, and he is holding a white cell phone, which appears to be an iPhone, along with the dark blue blanket. The second man — identified as MCCARTHY — uses his hand to pinch some ejaculate off of the

first man and then flicks the fluid three times in a downward manner, towards the sleeping girl's face.

26. Video E, titled "e963114a-004f-4fb0-91af-ddb8f2dcd4cb.mp4," was stored to the micro SD card on or about March 29, 2017, under a folder titled with Minor A's first name. The video is twenty-four seconds in length. The person filming points the camera at a downward angle. He is wearing white socks with blue tips, and a white shirt. The man's penis is exposed and he is masturbating. The man appears to be standing in front of a kitchen pantry, with a white door and frame. The video then pans upwards and past the pantry door to show a young girl, seated at a dark wood table, with her back to the camera. The girl is wearing a white t-shirt and black leggings. She is looking down at a phone and piece of paper on the table. The man walks towards the kitchen table, and continues to masturbate while standing directly behind the girl.

27. On February 22, 2018, I was at MCCARTHY's residence to execute a federal search warrant and I observed that the rooms in Videos C and E match the rooms in MCCARTHY's residence.

D. Interview of MCCARTHY

28. On or about February 22, 2018, pursuant to a federal search warrant, law enforcement agents searched MCCARTHY's residence.

29. After being read his *Miranda* rights and signing a written waiver of his rights, MCCARTHY agreed to speak with law enforcement. During a recorded interview, MCCARTHY stated that he first met the individual he knew as "always"

over Kik in or around 2016. According to MCCARTHY, he met with “always” in person twice. The first time was in the summer of 2016 and the second time was a short time later, during the beginning of the school year in or around the fall of 2016.

30. According to MCCARTHY, Video C, as described in paragraph 25, was recorded during his second meeting with “always,” which took place at MCCARTHY’s residence. MCCARTHY identified himself in screenshots of Video C. According to MCCARTHY, as depicted in Video C, “always” masturbated over Minor A as she slept and began to ejaculate. MCCARTHY further stated that as “always” ejaculated, MCCARTHY flicked some of the ejaculate. MCCARTHY stated that he did not intend to flick the ejaculate onto Minor A’s face, but just to get it off of his hand.

31. According to MCCARTHY, “always” had his phone out during the incident but the screen was dark so MCCARTHY did not know at the time that “always” was taking a video. According to MCCARTHY, he learned about the video later that night when “always” sent him Video C. MCCARTHY stated that “always” sent him the video via text message.

32. According to MCCARTHY, he took Video E and other videos on his iPhone. MCCARTHY stated that he traded in his iPhone approximately one and a half months ago, and now has a Samsung.

33. MCCARTHY further stated that after the incident depicted in Video C, he and “always” continued to talk over Kik through the beginning of 2018. Over the four to five months after Video C was recorded, MCCARTHY sent “always” several videos of himself masturbating close to Minor A and Minor B, including Video E, as

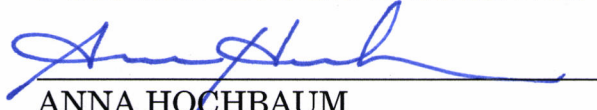
described in paragraph 26, and other videos. MCCARTHY identified himself in screenshots of Video E. MCCARTHY sent “always” these videos through Kik. MCCARTHY identified Minor A in Video C, and Minor B in Video E. Law enforcement has identified Minor A and Minor B as real children under the age of 18.

34. MCCARTHY informed law enforcement that his Kik name was “smiley” and that he had recently changed it to “johnnyrockets.” MCCARTHY logged onto his Kik account in front of law enforcement agents, using email xxxxxxxxx@yahoo.com. Law enforcement agents observed MCCARTHY’s list of friends on Kik, one of whom is “alwaysunderneath.”

II. CONCLUSION

35. Based on the above information, there is probable cause to believe that, between in or around August 2016 and March 29, 2017, SEAN MCCARTHY knowingly transported child pornography using a means and facility of interstate and foreign commercial and in and affecting interstate and foreign commerce by any means, including by computer, specifically, Video E, as described in paragraph 26, in violation of Title 18, United States Code, Section 2252A(a)(1).

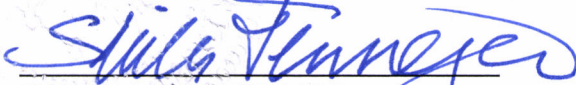
FURTHER AFFIANT SAYETH NOT.



ANNA HOCHBAUM

Task Force Officer, Federal Bureau of
Investigation

SUBSCRIBED AND SWORN to before me on February 22, 2018.



SHEILA FINNEGAN

United States Magistrate Judge